

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 21 2005

In re: Application of:

Group Art Unit: 3617

Applicant: Samuel R. Mollet, et al.

Examiner: McCarry Jr., Robert J.

Serial No.: 10/774,967

Atty. Docket: GS-121029-4 (383)

Filed: 02/09/2004

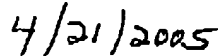
Title: REMOTE MONITORING OF RAIL LINE WAYSIDE EQUIPMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being transmitted by facsimile transmission to the US Patent & Trademark Office, fax number 703-872-9306 on the date shown below:

Response under 37 CFR 1.111 (3 pages)



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10/774,967

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RESPONSE UNDER 37 CFR 1.111

## INTRODUCTORY COMMENTS

This paper is in response to the Office Communication mailed 02/18/2005.

## REMARKS

Claims 1-31 are pending in this application. Claims 1, 2 and 4-31 are rejected under 35 USC 103 as being unpatentable over Ehrenberger in view of Cardella. Claim 3 is rejected under 35 USC 103 as being unpatentable over Ehrenberger in view of Cardella and further in view of Pace.

The applicants respectfully traverse the rejections of the claims in view of the combination of the Ehrenberger and Cardella references. MPEP 2143.01 provides that the mere fact that references can be combined does not render the resultant combination obvious unless the prior art also suggest the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The applicants submit that there is no incentive to combine the teachings of Ehrenberger and Cardella, and therefore, there is no *prima facie* case for obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the